

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 5
(SERIES OF 2010)

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE
TOWN OF BUENA VISTA, COLORADO, AUTHORIZING AND
APPROVING AN AMENDMENT TO A HANGAR GROUND
LEASE

WHEREAS, the Town is a party to a Hangar Ground Lease dated May 27, 2008, for the lease 9350 square ft at Central Colorado Regional Airport, Buena Vista, Colorado 81211 (the "Lease"); and

WHEREAS, the Town, as Lessor, and the Twin Peaks Condominium Association, as Lessee, desire to modify Section 2.3 of the Lease to allow Lessee to sublease the property to third parties for storage and maintenance of their aircraft.

WHEREAS, NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO AS FOLLOWS:

Section 1. Approval of Amendment. The amendment to the Lease attached hereto as **Exhibit A** is hereby approved, and the Mayor is authorized to sign said amendment.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 9th day of Feb., 2010.

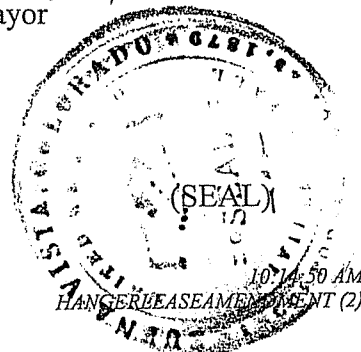
TOWN OF BUENA VISTA, COLORADO

By:

Cara Russell
Cara Russell, Mayor

ATTEST:

Diane Spomer
Diane Spomer, Town Clerk



386914
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3/25/2010 9:14 AM
ORD R\$21.00 D\$0.00

JOYCE M. RENO
Chaffee County Clerk

Published in full following adoption by the Board of Trustees in the Chaffee County
Time, a newspaper of general circulation within the Town of Buena Vista, on the 25 day
March, of 2010.

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO THE LEASE AGREEMENT shall be effective this 9 day of February, 2010, by and between The Town of Buena Vista, whose address is PO Box 2002, Buena Vista, CO 81211 and Twin Peaks Hangar Condominium Association (Mark T. Muller, General Manager), whose address is 24045 CR 301A, Buena Vista, CO 81211.

WHEREAS, the parties have previously executed a Hangar Ground Lease dated May 27, 2008, for the lease 9350 square ft at Central Colorado Regional Airport, Buena Vista, Colorado 81211 (the "Lease"); and

WHEREAS, the parties desire to modify Section 2.3 of the Lease.

NOW THEREFORE, for the consideration hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Section 2.3 of the Lease is hereby amended to read as follows:

The premises shall be only used for: (1) the storage and maintenance of aircraft owned or leased wholly and exclusively by Lessee; or (2) for sublease by Lessee to third parties on a daily, weekly, or monthly basis for the storage and maintenance of airworthy FAA-registered aircraft. Lessee is prohibited from conducting aviation or non-aviation related commercial activities on or from the Premises and/or Airport other than those expressly set forth above. Prohibited activities include solicitation, management, booking or otherwise acting as agent for other on-Airport or off-Airport businesses, whether or not affiliated with Lessee, without the prior express written consent of the Town. Lessee has the right to amend Lease in the future subject to Town approval, which shall not be unreasonably withheld to conduct commercial activities on or from the Premises and/or Airport and agrees to pay additional ground lease rate at \$0.25 per sq. foot per annum. The option to convert to commercial activity is applicable to either Unit A or Unit B independently.



TOWN OF BUENA VISTA, COLORADO

By: Cara Russell
Cara Russell, Mayor

ATTEST:

Diane Spomer
Diane Spomer, Town Clerk

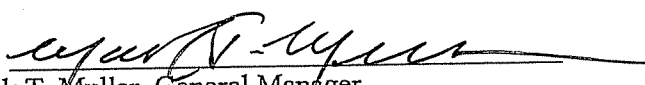


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JOYCE M. RENO
Chaffee County Clerk

TWIN PEAKS CONDOMINIUM ASSOCIATION

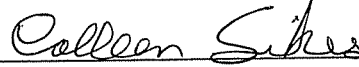
By: 
Mark T. Muller, General Manager

STATE OF COLORADO)
) ss.
COUNTY OF CHAFFEE)

Acknowledged before me this 22nd day of March, 2010, by
Mark T. Muller as General Manager of the Twin Peaks Condominium Association.

Witness my hand and official seal.

My commission expires: 2-21-2014


Notary Public

